DETECTIVES ELIMINATE EVIDENCE IN CONFLICT WITH THEORY THAT PHAGAN GIRL NEVER LEFT FACTORY

When Herbert Lasker, former roommate of Leo M. Frank, came to Atlanta to testify on the previous good character of the man accused of murdering Mary Phagan, he brought with him several photographs of the class of '06, of which both he and Frank were members. The two men, and the half-dozen other professors and former fellow-students who made the journey south simply to testify, spent an hour at the court house Thursday noon gazing at the pictures taken in happier days.

The members of the class are scattered over the earth now. One is in France, one in China, another spent two years making geological investigation in Alaska. All who were within reach came to Atlanta in their former classmate's hour of need. In the accompanying picture 'Herbert Lasker,' who has already told of his friend's character is in the front row on the extreme left. Frank is the third from the left in the same row. This picture was taken some eight or nine years ago.

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TAKES WITNESS STAND SATURDAY MORNING; UNDER LAW CANNOT BE EXAMINED BY THE SOLICITOR

Defense's Case is Rapidly Nearing Completion, and Indications Are That All Witnesses, Except Frank, Will Have Testified Before Court Adjourns Friday Forty Atlantians Tell of Accused's Good Character

ATLANTA GIRL BROUGHT REFORMATORY IN CINCINNATI TO TESTIFY AGAINST FRANK

Miss Dewey Hewell, Sixteen Years Old, Arrived Friday Morning With Matron Bohnefeld Nature of Her Testimony Is Not Known- Expert in Varnish Department Says Spots in Factory Look Like Varnish

Forty Atlantians took the stand during Friday morning's session of the Frank trial and testified to the good character of the accused. In only one or two instances did the solicitor cross-question these character witnesses, and then only when the witness related something other than testimony concerning Frank's character.

The character witnesses testified in the following order: Dr. J. A. Sommerfield, F. G. Schiff, A. D. Greenfield, Joseph Gershon, M. O. Nix, Joseph Stalker, P. D. Mc Carley, Mrs. M. Y. Meyer, Mrs. David Marx, Mrs. Arthur I. Harris, A. L. Gluckman, M. S. Rice, Mrs. D. Glowsky, Mrs. J. A. Sommerfield, Mrs. L. H. Moss, Mrs. Joseph G. Brown, E. E. Fitzpatrick, Emil Dittler, William Bauer, Miss Helen Loeb, J. C. Matthews, Al Fox, Mrs. Adolf Montag, Mrs. Martin May, Julian Boehm, Mrs. Mollie Rosenberg, M. H. Silverman, Mrs. M. L. Starne, Charles Adler, Mrs. R. A. Sohn, A. J. Jones, Mrs. Dan Klein, Nathan Coplan, Miss Rae Klein, F. F. Hulburn, Lester Einstein, M. J. Bernard, Jacob Fox, Marcus Loeb and Mrs. J. O. Phrmateo .

Leo M. Frank, the accused, will take the stand in his own defense Saturday morning and will relate the story which he told the coroner before his arrest. The law doesn't require the accused to be sworn, neither does it require him to submit to the cross-examination by the prosecution.

In fact, it is said to be the opinion of Frank's attorneys that the accused cannot legally be submitted to cross-examination. He will probably make his statement, therefore, and leave the witness stand without any questions being asked him.

Besides the character evidence given at Friday morning's session little of interest was brought out. Joseph Stelker, in charge of the polishing and varnishing department at the pencil factory stated his belief that the spots found on the second floor near the metal room were those of varnish. However on cross-examination he told Solicitor Dorsey that he would not swear that the spots were not blood.

New evidence is expected to be introduced in the Frank trial when Solicitor Dorsey begins rebuttal of the testimony that the accused superintendent of the pencil factory has a good character. It is

known that Matron Bohnefeld of the police station, has just returned from Cincinnati with Miss Dewey Hewell, a young girl who was sent to the Home of the Good Shepherd about six weeks ago. It is known also that this young woman will testify for the state, but just what her testimony will be has not been learned.

CHARACTER WITNESSES.

Two character witnesses opened for the defense Friday morning. They were Dr. J. A. Summerfield, of 200 Washington street, and F. G. Schiff, of 33 West Fair street. Both declared that they have known Frank for several years and that his character is very good.

B. J. Nix, aged nineteen, of Marietta, Georgia, who was employed as an office boy of the National Pencil company between April, 1912, and October 24 of that year, was the next witness. From September 1 to October 24, the witness stated, he stayed at the factory on Saturday afternoons to 5:20 or 6 o'clock, and that Schiff and Frank were working there then. He seldom was out of the office, and he never saw any women there, he testified.

Solicitor Dorsey cross-examined Nix.

"You say that you were there every Saturday afternoon?"

"Not in the summer months."

"Were you there when Forsyth street was torn up?"

"Yes, I was working there."

"How late did you stay on Saturdays at that time?"

"I got off every other Saturday at 1 o'clock, and on the other Saturdays I stayed until from 4 to 6 o'clock."

"You don't undertake to say, then, that Frank or Schiff didn't take women down Forsyth street through the back alley and into the building, do you?"

"No, sir, not when I wasn't there."

"You don't undertake to say that they didn't have women in the basement when you were there, do you?"

"No, sir."

BUILDING OWNER CALLED.

The witness was excused. A. D. Greenfield was called as the next witness. He testified that he is one of the owners of the building occupied by the pencil factory. He said that he and his associates had leased the property to Montag Brothers in 1900.

"Are you familiar with the metal room on the second floor?" asked Mr. Arnold.

"No, sir."

"Do you know where the Clark Woodenware company was located in the building?"

The witness answered yes, and pointed out on the diagram of the factory the parts of the building that had been occupied by that company.

"Since Montag Brothers occupied the pencil factory, has there been any new flooring put on the second floor?"

"I couldn't say as to that. Montag Brothers were to make all necessary repairs."

The witness testified then as to Frank's character, stating that he had known Frank for four or five years and that his general character is good.

Attorney Hooper cross-examined the witness. Mr. Greenfield admitted that his association with Mr. Frank was principally that of landlord. He had seen him a number of times at the pencil factory but had not been personally intimate with him.

"Did you contribute to the fund for the defense?"

"Not a penny."

Before letting the witness leave the stand, Attorney Arnold asked: "Is there a fund for the defense?"

"I never heard of any."

"Neither did I," remarked Attorney Arnold, in an aside audible throughout the court, "I wish I had." The deputies rapped for order.

The next witness called was Joseph Gershon, of 390 Washington street. He was raised in Atlanta and is in the wholesale woodenware business. He testified that he has known Frank about four years and that his character is ex- ...

THIRTY-FIVE WITNESSES TELL OF LEO FRANK'S GOOD CHARACTER

... cellent. There was no cross-examination.

MONTAG'S CREDIT MAN.

M. O. O. Nix was the next witness. He is credit man at Montag Brothers. On direct examination he testified that he has charge of the books of Montag Brothers and also of the National Pencil company and that he is to some extent familiar with Leo M. Frank's handwriting, having seen it occasionally during five years. He said also that he is fairly well acquainted with the defendant. He examined finance sheets of the pencil company from May 8, 1912 to April 19, 1913, and testified that in his opinion they were written by Frank. He examined also the finance sheets of April 17 and 24, and said in his opinion they, too, were written by Frank. He examined eleven items in House Order Book No. 1 of the pencil company, and testified that in his opinion they were entered by Frank. He examined the eleven requisitions of April 26 and testified that in his opinion they were written by Frank. In response to questions he testified that it was he who employed Miss Hattie Hall, the stenographer at Montag Brothers, and that neither Mr. Montag nor Mr. Frank had anything to do with her employment.

He testified that her wages were raised on August 1 by him and not by Mr. Montag nor at Mr. Montag's direction. He testified that Frank so far as he knew had no knowledge of the fact that Miss Hall's salary was raised on that date. He said the raise was in fulfillment of a promise made by him when he employed her last December.

He testified that about 10 o'clock on the morning of April 26 Frank came to Montag Brothers and asked him if he could borrow Miss Hall for a while that morning as his own stenographer had not come to work. He said he told Mr. Frank that Miss Hall better had finish with Mr. Montag's mail first. He said he told Miss Hall that she needn't go to the pencil factory in the afternoon unless she wanted to as that was her holiday and that it was only an accommodation for her to go over there at all.

Solicitor Dorsey cross-examined Mr. Nix. After surrendering to him several handwriting examples which the witness did not identify definitely, he finally introduced the copy of the murder notes made by Frank for the police. The witness would not identify the notes. He said he did not know whether it was Frank's writing or not.

FRANK DISGUISED HAND.

"If it is Frank's, it's disguised, isn't it?" asked the solicitor. The witness would not say that it was disguised, but admitted that it was somewhat different from the writings which previously had been exhibited to him by counsel for the defense.

Solicitor Dorsey, during the cross-examination of the witness, brought out the fact that the witness has been employed by Montag Brothers for seven or eight years and is a brother of the office boy who had testified just previously.

Mr. Arnold took the witness on re-direct examination. Nix said that he was familiar with Frank's handwriting, largely through abbreviations and figures such as appeared on orders and pay roll slips, and that he was not familiar with letters written in Frank's handwriting. He exclaimed that he did not want to give any

opinion as to the writer of the notes submitted to him by Mr. Dorsey because he could not be positive.

Joseph Stelker was called as the next witness. He has charge of the polishing and varnishing department on the fourth floor of the National Pencil factory. He superintends the mixing of the colors and the varnish used on the pencils.

"Where were you Saturday, April 26?"

"At home."

"Did you see Frank at the factory on Monday?"

"Yes."

"Did you see the blood spots this man Barrett claims to have discovered?"

"Yes."

SPLASHED FROM BUCKET.

"Did you make a test to determine whether it was blood or not?"

"Yes. Chief Beavers asked me to find out whether it was blood or varnish."

"Did you see the white stuff that was over it?"

"Yes, it looked like a composition used on the eyelet machine."

In answer to other questions, the witness testified that the white stuff looked like it had been splashed from a bucket.

"Has the floor of the pencil factory ever been scrubbed since you have been there?"

"Not that I know of."

The witness then testified that the floor is dirty and greasy. He said that it is swept at frequent intervals. He said the white spot looked like it might have been there for three days.

"Did you bring those plans from the floor over here with you?"

"No, sir."

"Where did you think the white stuff on the floor had come from?"

"The eyelet machine."

"What time was it when you looked at it for Chief Beavers?"

"About 9 o'clock."

"How did it compare with blood?"

"Well, when a transparent varnish we use soaks in, it looks like blood."

"Would you undertake to say whether it was varnish or blood?"

"I would not."

"Anybody could have shaken a bottle in the paint room and the varnish would have flown out there, wouldn't it?"

"Yes."

VARNISH OR BLOOD.

The witness testified that frequently he saw drops which looked like this, all over the floor. He said that a drop of this transparent varnish that he put on the floor looked almost exactly like this blood.

"Did you see this negro Conley on Monday?"

"Yes."

"Did you talk to him?"

"No."

"What did this varnish that you put on the floor do?"

"Soaked in."

The witness then testified that the alleged blood spot looked like it might have been on the floor three or four days.

"Did you ever see this white stuff, hascoline, spread on the floor like that before?"

"Yes, sir."

The witness testified that hascoline is used on the eyelet machine, and that it percolates from a cup on top of the machine to a bucket beneath. He said that when this bucket is full, it is picked up and emptied back into the cup at the top of the machine. Some of it might be spilled on the floor, he said, when anybody was putting it back.

AT UNDERTAKER'S.

"Were you at Bloomfield's undertaking establishment when Frank was there Sunday afternoon?"

"Yes."

"Did Frank say anything to you "

The solicitor objected. Attorney Arnold said that the question was admissible inasmuch as the defense wanted to show that Frank thought the inquest was to be held Sunday afternoon and went to the undertaker's to attend it. He said too that the defense wanted to show that Frank looked on the body. Judge Roan sustained the solicitor's objection.

The witness testified that Quinn, Frank, Darley, Schiff and others called at the undertaking establishment at about the same time.

"Do you know whether or not Frank saw the body of this girl?"

"No, sir."

"How long have you known Frank?"

"Five years."

The witness continued that Frank's general character is good.

"Do you know Jim Conley?"

"Yes."

"How long have you known him?"

CONLEY'S CHARACTER.

"Ever since he's worked in the pencil factory, nearly two years, I think."

"Do you know his character?"

"Yes."

"Is it good or bad?"

"Bad."

"Would you believe him on oath?"

"No, sir."

That concluded the direct examination.

Stelker was given a severe grilling by Solicitor Dorsey on cross-examination. He testified that his wages are $30 a week, that he has been getting that for about a year and a half; that he is not a member of the society of which Frank is president; that he is no kin to Frank, and that he has been in Atlanta about five years.

"Whom did you ever discuss Jim Conley's character with?"

"No one."

"Then when you told the jury you wouldn't believe him on oath that was just your personal opinion, wasn't it?"

"Yes, I reckon so."

"You never heard anyone discuss Jim, did you?"

"No."

EVIDENCE RULED OUT.

Solicitor Dorsey then moved that the witness' testimony impeaching Jim Conley be ruled out, in as much as the term "general character" implies not only the witness' knowledge but the general reputation of the person about whose character he is testifying. Lawyers for the defense objected strenuously, but Judge Roan upheld the solicitor's motion.

"Did you ever hear anyone say anything against Jim?"

"Yes."

"When?"

"In the last three or four weeks?"

"Did you ever hear anyone say a word against him before Frank was indicted?"

"Well, they were speaking of him being in the chaingang and I saw him there myself."

"Don't you know that Frank took him back after he had been in the chaingang, as you call it?"

"Yes. But don't you know, Mr. Dorsey, that a negro is a better negro after he has been to the chaingang than he was before?"

The deputies rapped for order.

"Then you considered him a better negro after he had been to the stockade than he was before, did you?"

"Yes, for a few weeks."

"Now coming back to the question. Did you ever hear anybody say anything against Conley before Frank was indicted?"

The witness admitted that he had heard nothing except remarks around the factory about Jim having been sent to the stockade.

"Now," resumed the solicitor, "what was the worst you ever heard about Jim?"

"Well, he went to the chaingang, and then he did something to me."

against him before Frank was indicted?"

"What did he do to you?"

PUT WATER IN BEER.

"I sent him for 28 cents worth of beer, and he brought it back and said, 'Here's your beer, Joe,' and I looked at it and said, 'You put water in this, didn't you, Jim?' And he said, 'Naw-suh, I wouldn't do a thing like that.' But I tested it and it did taste like it had water in it to me."

During this answer, attorneys on both sides joined in a hearty laugh.

"What time did you send him for the beer?"

"About 10:30."

"How do you know it was about 10:30?"

"Well, I just knew it was."

"Tell us how you knew it was."

"Well, about that time of day I usually sent over and got a little beer."

"Then you could tell by the empty feeling inside you, about what time it was, could you?"

"Yes, sir, I guess that's right."

"Did you drink that beer Jim brought?"

"No, I went and got some more."

"Did you go to the undertaker's to see Mary Phagan's body?"

"Yes, about 2 o'clock Sunday afternoon."

"Did you see Frank there?"

"Yes, he came in."

"What kind of a suit did he have on?"

"He had on a dark suit."

"Did he have a raincoat with him?"

"No."

"Are you sure he didn't have a raincoat?"

"Yes."

"Absolutely positive, are you?"

"Yes."

"Who was with him?"

"He was by himself."

"How did you go in to see the body?"

"You had to go through a passageway and then turn to the right."

"How far into the room where the body was did you go?"

"I just went to the doorway and looked at the body and then turned around and went out."

"Which way was the head of the body?"

"It was toward the back of the building."

"Describe how the body looked."

"Well the hair was loose and hanging down, there was a sheet over the body, the right eye was discolored, and there was a scar on the forehead."

WAITED FOR FRANK.

"Did you go in before Frank got there?"

"No."

"You waited for Frank, then, did you?"

"Yes, we sat down and waited for him just about two minutes."

"Whom do you mean by 'we'?"

"I mean Fritz Yankee and myself."

"Who suggested that you go in to see the body?"

"Fritz did."

The solicitor then began to bore into the witness with questions of minute detail as to whether they did not see the body before Frank came. The witness first half admitted that they did, then took it back and said that Frank came ten minutes after they got there and that they didn't see the body until after he came. Asked why he sat down to wait, the witness said he felt nervous.

Stelker changed his statement of a reason for going to view the body of Mary Phagan. He said instead of going in to see the girl to identify her, he went in there to see the bruises as he had heard that she was badly hurt.

He learned when he reached the undertaker's that she had been identified. He said that it always nauseated him to look at a dead body, and when he looked at Mary Phagan's body he became nauseated and left right away. For that reason, he said, he could not give the solicitor any more detail of the injuries he saw.

WILL NOT SWEAR IT.

The solicitor concluded his examination by demanding of the witness if he would swear to the jury that the spot on the second floor of the factory was not blood.

"No, I will not swear that it was not blood," replied the witness.

On re-direct examination, Attorney Arnold brought out the fact that the witness was of Teutonic origin and was accustomed to drink beer.

P. D. Mc Carley, of 24 Hampton street, was called. He is a cotton seed oil man in charge of the cotton seed interests of M. Frank, the uncle of the accused. He declared that he had known Frank since Frank arrived in Atlanta and knows him to be of good character.

Mrs. M. Y. Meyer, of Washington street, who had lived on that street for ten years, testified that she had known Frank four or five years and that his general character is good. Other character witnesses who testified were Mrs. David Marx, wife of Rabbi Marx, 354 Washington street; Mrs. Arthur I. Harris, of Washington street; A. L. Gluckman, member of the grand jury which indicted Frank; M. S. Rice, a wholesale jeweler, who roomed in the same house with Frank from September 1909, to December, 1910, before Frank was married; Mrs. D. Glowkosky, a widow, who conducts a boarding house at 499 Washington street, where Frank and his wife boarded for seven months; Mrs. Sommerfield, wife of Dr. J. E.

Sommerfield; Mrs. L. H. Moss, wife of the treasurer of the Atlanta paper company; L. H. Moss; Mrs. Joseph G. Brown; E. E. Fitzpatrick, of 105 Sinclair avenue, foreman of the receiving and shipping department of Montag Brothers; Emil Dittler, stationery manufacturer; William Hauer, a grocer, resident at the Washington terrace; Miss Helen Loeb, of Washington street; Al Fox, a furniture manufacturer of 36 Sinclari avenue, and J. C. Matthews, a clerk at Montag Brothers. Matthews was asked a few questions about what occurred at Montag Brothers on Memorial day morning. He testified he was there when Frank came. He could not fix the time, he said.

None of the witnesses was cross-examined. The witnesses usually bowed and smiled to Frank and his wife when they took the witness stand.

The following other witnesses testified in the order named as to Frank's character: Mrs. Adolf Montag, whose husband is a member of the firm of Montag Brothers; Mrs. Martin May, Julan Boehm, an insurance man; Mrs. Mollie Rosenberg, H. M. Silverman, Mrs. M. L. Sterne; Charles Adler, Mrs. R. A. Sohn, A. J. Jones, an employe of Montag Brothers; Mrs. Dan Klein, Nathan Coplan, Miss Rae Klein.

F. F. Hilburn, a type compositor at Montag Brothers, was put on the stand by the defense as a character witness, but when asked if he knew Frank's general character he said he knew him only in a business way. After an exchange of objections among the attorneys, Mr. Hilburn was excused by Attorney Arnold without testifying.

Other witnesses introduced to testify to the good character of Frank were Lester Einstein, M. J. Bernard, of the Atlanta Paper company; Jacob Fox, of Eiseman Brothers company; Marcus Loeb, overalls manufacturer, and Mrs. J. O. Parmalee, of 447 Spring street, whose husband is a stockholder in the National Pencil company.

SOLICITOR'S EXAMINATION.

Mrs. Parmalee was cross-examined by the solicitor. She admitted that she met Frank only once when she went to the factory with her husband some years ago, and had seen him twice at the jail since his incarceration. Their only other meetings were on the street, she said. She said she is a member of the board of directors of the Sheltering Arms and had heard much of Frank's charitable work. Asked as to who she had heard talk about Frank, she said, "A great many Jewish people," but named only the Hasses, the Bauers and the Montags.

She said that in her work at the Sheltering Arms she had come in contact with a member of the pencil factory employes, and that many of the mothers who brought their children there talked of the men in the factory, but she did not know that any of them had mentioned Frank.

Mrs. Parmalee said that the men of the factory were discussed in their relation to the work done by the women, not from the standpoint of morality. The solicitor kept Mrs. Parmalee on the stand for some fifteen or twenty minutes with a cross-fire of questions.

The witness on the stand when recess for lunch was taken at 12 o'clock was Roy Bauer, not a character witness. He testified that in the summer of 1909 and 1910 he worked at the pencil factory as a clerk, and since then he frequently has visited the factory on Saturday afternoons to chat with Herbert Schiff and Frank. He said that he was there every Saturday afternoon in January, 1913; that he went there to get information about Schiff, who was in the Ohio flood region.

On cross-examination the solicitor asked about the time he was there the first Saturday. Bauer and he reached there about 2:45 o'clock. In the course of the examination the solicitor drew forth statements to the effect that the witness remembered looking at his watch at ten minutes to 2 o'clock on the first Saturday in January, 1913, just after he had finished his bath. It was an open-faced Ingersoll, lying on the bureau, the witness also remembered.

The solicitor made his examination of the witness much more vigorous, following these statements, upon the witness' statements that he visited the factory on Saturday afternoons. Bauer said that he stayed at the factory from 2:45 until about 4 o'clock on the first Saturday in January. He said he saw Holloway and an office boy and Frank. The solicitor went into most minute detail concerning each visit made by the witness to the factory on Saturday afternoons. The solicitor still was hammering hard upon the witness' testimony when court adjourned, Judge Roan having asked the solicitor how much longer he would continue, and the solicitor having replied that he would require at least fifteen minutes more to finish with the witness.